

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA

OFFICE OF THE CLERK

POST OFFICE BOX 711

MONTGOMERY, ALABAMA 36101-0711

DEBRA P. HACKETT
CLERK

TELEPHONE

(334) 954-3610

September 19, 2007

Mr. Thomas K. Kahn, Clerk
United States Court of Appeals, Eleventh Circuit
56 Forsyth Street, NW
Atlanta, GA 30303

USDC No. CV-07-D-450-N

USCA No. 07-13221-J

IN RE: PHILLIPPI S. LOWE VS. USA

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

☐ Certified copy of Notice of Appeal, docket entries. Judgment and Opinion/Order appealed from enclosed. If Opinion/Order was oral, please check box. ☐

☐ First Notice of Appeal: ☐ Yes, ☐ No Date(s) of Other Notices: _____

Was there a hearing from which a transcript could be made:

☐ Yes, The Court Reporter(s) is/are:

☐ No Date of Hearing(s): _____

THE FOLLOWING MATERIALS WERE SEALED IN THIS COURT (Order encl.): _____

☐ IFP; and/or APPEALABILITY/CPC is pending in this Court.

☐ Court Appointed Counsel/CJA; ☐ Yes; ☐ No; Copy of Order Enclosed:

☐ The Appellate docket fee has been paid ☒ Yes, ☐ No: 09/13/07 Date, Receipt# _____

☐ Appellant has been ☐ GRANTED; ☐ DENIED IFP, Copy of Oder enclosed.

☐ Appellant has been ☐ GRANTED; ☐ DENIED CPC/APPEALABILITY, Copy of Order enclosed.

☐ Appeal Bond, ☐ Supersedeas Bond

☒ The District Judge or Magistrate Judge appealed from is Hon: IRA DE MENT

This is an appeal from a bankruptcy order; Bankruptcy Judge: _____

☐ This is a DEATH PENALTY appeal.

Certified record on appeal consisting of:

☐ Volume(s) of Pleadings, ☐ Volume(s) of Transcripts,

☐ SEALED ITEMS, ie. ☐ PSI(s); ☐ OTHER; ☐ TAPE(s)

☐ Exhibits: ☐ Envelope

☒ 1 Volume (s) of Original Papers

cc:

Sincerely,

DEBRA P. HACKETT, CLERK

By: Yolanda Williams
Deputy Clerk

APPEAL, CLOSED

U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:07-cv-00450-ID-SRW
Internal Use Only

Lowe v. United States
Assigned to: Honorable Ira De Ment
Referred to: Honorable Susan Russ Walker
Demand: \$13,000,000
Case in other court: USCA, 07-13221-J
Cause: 42:1983 Civil Rights Act






Date Filed: 05/21/2007
Date Terminated: 05/23/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Phillippi S. Lowe**

represented by **Phillippi S. Lowe**
Post Office Box 368
Evergreen, AL 36401
334-284-6888
PRO SE

V.

Defendant**United States**

Date Filed	#	Docket Text
05/21/2007	 <u>1</u>	COMPLAINT against United States , filed by Phillippi S. Lowe.(sl,) (Entered: 05/22/2007)
05/21/2007		DEMAND for Trial by Jury by Phillippi S. Lowe. (sl,) (Entered: 05/22/2007)
05/21/2007	 <u>2</u>	Motion to Proceed Without Prepayment of Fees and Affidavit by Phillippi S. Lowe. (sl,) (Entered: 05/22/2007)
05/23/2007	 <u>3</u>	ORDER granting <u>2</u> motion to Proceed in forma pauperis. Signed by Judge Ira De Ment on 5/23/07. (sl,) (Entered: 05/23/2007)
05/23/2007	 <u>4</u>	ORDERED that plaintiff's claims be dismissed prior to service of process pursuant to 28 USC 1915(e)(2)(B) for lack of jurisdiction. A separate judgment will be entered. Signed by Judge Ira De Ment on 5/23/07. (sl,) (Entered: 05/23/2007)

05/23/2007	● <u>5</u>	JUDGMENT and this case is dismissed due to lack of jurisdiction and that plaintiff Phillipi S. Lowe taking nothing by his said suit. The Clerk of court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the FRCP. Signed by Judge Ira De Ment on 5/23/07. (Attachments: # <u>1</u> Civil Appeals Checklist)(sl,) (Entered: 05/23/2007)
07/04/2007	● <u>6</u>	NOTICE OF APPEAL(Attachments: # <u>1</u> Exhibit A) by Phillippi S. Lowe to the United States Court of Appeals for the Eleventh Circuit from the <u>4</u> Order Dismissing Case <u>5</u> Judgment, entered on 05/23/07. Copies mailed (ydw,) (Entered: 07/12/2007)
07/04/2007	●	Notice of Appeal <u>6</u> construed as containing MOTION for Leave to Appeal in forma pauperis by Phillippi S. Lowe. (ydw,) (Entered: 07/18/2007)
07/12/2007	●	Transmission of Notice of Appeal and Certified copy of Docket Sheet and Order to US Court of Appeals re <u>6</u> Notice of Appeal (ydw,) (Entered: 07/12/2007)
07/18/2007	● <u>7</u>	ORDER that on July 4, 2007, Plaintiff Phillip S. Lowe filed a Notice of Appeal <u>6</u> to the U.S. supreme Court, which the court construes as a notice of appeal to the U. S. Court of Appeals for the Eleventh Circuit from the court's order and judgment entered on May 23, 2007 [Doc. # 4-5], and a motion to proceed on appeal in forma pauperis; denying Motion for Leave to Appeal in forma pauperis, and that the appeal in this cause is hereby certified, pursuant to 28 U.S.C. 1915(a), as not taken in good faith. Signed by Judge Ira De Ment on 07/18/07. (ydw,) (Entered: 07/18/2007)
07/24/2007	●	USCA Case Number 07-13221-J for <u>6</u> Notice of Appeal filed by Phillippi S. Lowe. (ydw,) (Entered: 07/24/2007)
09/07/2007	● <u>8</u>	Entry of Dismissal issued as the mandate on 9/6/2007 by USCA as to 11th Circuit Appeal No. 07-13221-J, <u>6</u> Notice of Appeal, filed by Phillippi S. Lowe: Pursuant to the 11th Cir.R.42-1(b), this appeal is dismissed for want of prosecution because the appellant has failed to pay the \$450 docketing and \$5 filing fees (\$455) to the district court clerk within the time fixed by the rules, effective this 6th day of September, 2007. FOR THE COURT - BY DIRECTION. (Attachments: #(1) USCA Letter) (dmn) (Entered: 09/10/2007)
09/17/2007	● <u>9</u>	Appeal Remark re <u>6</u> Notice of Appeal, 11th Circuit Appeal No. 07-13221-J; USCA Letter referenced the appeal dismissed September 6, 2007. This appeal has been clerically reinstated in light of receipt of appellant's Motion for Permission to Appeal In Forma Pauperis. (ydw,) (Entered: 09/19/2007)
09/17/2007	● <u>10</u>	Request for Original Papers By USCA Eleventh Circuit 11th Circuit Appeal No. 07-13221-J, <u>6</u> Notice of Appeal (ydw,) (Entered: 09/19/2007)
09/19/2007	●	Original Papers Transmitted to USCA 11th Circuit Appeal No. 07-13221-J, <u>6</u> Notice of Appeal (ydw,) (Entered: 09/19/2007)

